CAMBRIDGE SYSTEMATICS

Limited Amendment TranPlan 21 to Comply with SAFETEA-LU: Draft Policy Statement and Supporting Background Material

Task 2.3 – Environmental Mitigation

Draft

Report

prepared for

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Draft Policy Statement – Environmental Mitigation

SAFETEA-LU requires that state long-range transportation plans include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan. This section presents SAFETEA-LU requirements, elements of *TranPlan 21* which are already geared towards establishing policy-level environmental mitigation measures, and a summary of recommended policy statements for inclusion as part of the Limited Amendment to *TranPlan 21* to meet the Federal requirements.

■ SAFETEA-LU Requirements

The final planning rule for SAFETEA-LU revises the previous planning factor, requiring State and Metropolitan Planning Organizations (MPOs) to develop long-range transportation plans in consultation with other agencies. The following definitions are included in the 23 CFR 450.104:

- *Consultation* means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the ''consultation'' performed by the States and the MPOs in comparing the long range statewide transportation plan and the metropolitan transportation plan, respectively, to State and Tribal conservation plans or maps or inventories of natural or historic resources (see § 450.214(i) and § 450.322(g)(1) and (g)(2)).

- *Environmental mitigation activities* means strategies, policies, programs, actions, and activities that, over time, will serve to avoid, minimize, or compensate for (by replacing or providing substitute resources) the impacts to or disruption of elements of the human and natural environment associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan. The human and natural environment includes, for example, neighborhoods and communities, homes and businesses, cultural resources, parks and recreation areas, wetlands and water sources, forested and other natural areas, agricultural areas, endangered and threatened species, and the ambient air. The environmental mitigation strategies and activities are intended to be regional in scope, and may not necessarily address potential project-level impacts.

The following sections of the 23 CFR address environmental mitigation in the statewide long-range transportation plan:

- **23 CFR Section 450.214(j)** - A long-range statewide transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the long-range statewide transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The State may establish reasonable timeframes for performing this consultation.

■ *TranPlan 21* and Other MDT Actions

TranPlan 21

TranPlan 21 includes policy goals and actions which relate to processes promoting discussion and early identification of environmental impacts and mitigation activities. These goals and actions, by element, are presented below.

Roadway System Performance

- **Policy Goal B –** Preserve mobility for people and industry in Montana.
- **Action B.6 –** Develop a Context Sensitive Design tool kit to support project development.

Land Use Planning

All action items associated with the land use planning policy goals presented below also pertain to environmental mitigation but are not listed individually.

- **Policy Goal B –** Consistently apply MDT's Systems Impact Action Process to ensure developers equitably mitigate their impacts to the highway system.

Other MDT Actions and Plans

TranPlan 21 includes many goals and actions about the corridor planning process and the Systems Impact Action Process (SIAP). One advantage to MDT's corridor planning process is the early elimination of alternatives prior to entering the NEPA/MEPA process, reducing the cost, and speeding the delivery of the environmental planning process. In the Great Falls South Arterial Corridor Study, the Quantum software package, which allows for faster run-times and graphical displays of alternatives, is being applied by MDT to provide an understanding of environmental constraints, issues, and screening of environmentally sensitive corridor alignments. The Systems Impact Action Process (SIAP) provides a coordinated review for projects initiated outside of MDT which may substantially impact the state transportation system. Through its use of the corridor planning process and the SIAP in conjunction with available tools such as Highway Economic Analysis Tool (HEAT), MDT meets the SAFETEA-LU requirement regarding environmental mitigation. A description of these processes and tools are provided below.

Corridor Studies

The corridor planning process designed by MDT plays an important part in engaging resource agencies early in the process to help identify environmental sensitivities, avoidance areas, and/or potential mitigation measures prior to the formal NEPA process. MDT currently conducts and plans to continue using these corridor-level studies to analyze the need for improvements, including cost effective/low-cost corridor management strategies such as TDM, incident, and access management strategies, and intersection improvement strategies. This process is used to inform the NEPA /MEPA process, to screen and eliminate alternatives to be studied, and to define the purpose and needs statements used during NEPA/MEPA. The corridor planning process reduces the cost of the environmental process, speeds project delivery, and provides early involvement of environmental interests, regulatory agencies, and the public. The corridor studies also address broader issues than traditional environmental analysis such as land use planning and socioeconomic conditions. The corridor planning process complements the NEPA/MEPA process and ensures decisions are made at the appropriate level, considers low-cost alternatives and available funding. MDT will continue to use this corridor planning process to support *TranPlan 21* and state and other corridor-specific planning across the state.

System Impact Action Process

MDT's System Impact Action Process (SIAP) provides a coordinated review of projects initiated outside of the agency that may substantially and permanently impact the state transportation system. This process is initiated as part of the developmental review process. This review process allows MDT to coordinate consistently with local land use agencies, private developers, and/or other governmental agencies when considering requests for access to the state transportation system.

As of the Spring 2007, over 450 development projects have been entered into the SIAP review. Its use is continuing to grow. Previous versions of *TranPlan21*, including the 2002 update, contain policy goals and action items to ensure that private development, equitably, contributes to the maintenance and appropriate improvements to the state transportation system. The SIAP, developed with this direction, continues to provide MDT with a coordinated review process which protects taxpayer resources and allows for new development in accordance with local land use planning decisions and environmental regulations.

Highway Economic Analysis Tool (HEAT)

The Highway Economic Analysis Tool (HEAT) was developed by MDT to assess the transportation system and cost effectiveness potential of highway corridor improvements of various types across the State. HEAT provides a rigorous analysis capability to evaluate, measure, and compare the effectiveness of corridor capacity, management, and operations enhancements and strategies. Performance or user benefits related to safety (improved crash rates), environmental (reduced air emissions), and transportation

(reduced delay and improved mobility), among others, are built into HEAT to assess the benefit/costs of corridor improvements.

HEAT, because its performance and economic analysis models are linked to both statewide economic and passenger and freight travel demand models, also can be used to assess the future transportation corridor impacts relative to economic growth. Management and operational strategies using HEAT and some aspects of P^3 are being used by MDT to assess management, operational, and capacity improvements to the State's transportation system. For instance, a strategy to improve travel delays and system reliability for a corridor can be evaluated with capital improvement projects or operational strategies. HEAT can be applied to determine the impacts and potential benefits of these strategies and can be used to compare their relative cost effectiveness regarding other strategies within the same corridor or in other corridors. MDT continues to refine and use HEAT to support ongoing transportation planning and policy analysis as part of the Limited Amendment of *TranPlan 21* and other statewide and corridor initiatives.

■ New Consultations

While conducting new consultations, agencies were asked to provide feedback on the existing MDT environmental mitigation process and given a chance to provide input or suggestions on additional policy-level measures for inclusion in *TranPlan 21*. MDT asked representatives from the following federal agencies to provide input about environmental mitigation:

- U.S. Army Corps of Engineers;
- U.S. Department of the Interior, Bureau of Indian Affairs (BIA);
- U.S. Department of the Interior, Bureau of Land Management (BLM);
- U.S. Department of the Interior, Bureau of Reclamation (BOR);
- U.S. Department of the Interior, National Park Service, Yellowstone National Park;
- U.S. Department of the Interior, National Park Service, Glacier National Park (GLAC);
- U.S. Environmental Protection Agency (EPA);
- U.S. Fish and Wildlife Service; and
- U.S. Forest Service.

MDT also asked representatives from the following state agencies to provide input about environmental mitigation:

- Montana Department of Environmental Quality (DEQ);

- Montana Department of Fish, Wildlife, and Parks;
- Montana Department of Natural Resources (DNRC); and
- Montana Historical Society.

MDT also contacted and asked representatives from the seven tribal governments for input about environmental mitigation:

- Blackfeet Nation;
- Crow Nation;
- Confederated Salish and Kootenai Tribes;
- Ft. Belknap Reservation;
- Fort Peck Reservation;
- Northern Cheyenne Reservation; and
- Rocky Boys Reservation.

In general, the above agency representatives reported that existing processes for environmental impact identification and mitigation works well in Montana. Due to the scope and nature of MDT projects, resource agencies agreed that a case-by-case review of project impacts and identification of appropriate mitigation measures is most appropriate either at the corridor or project specific levels rather than at the policy level traditionally assessed in long range transportation planning. Permitting and review agencies consistently noted that early notification of projects on the horizon and their early involvement with MDT in the planning process has proved beneficial. For example, permitting agencies such as the U.S. Army Corps of Engineers expressed interest in participating in the project scoping process if resources allowed. In all cases, when possible, submission of plans for comment prior to the permit application stage, allowed for a smoother permitting process. However, such review can only occur as agency resources allow.

The possibility of using MDT project-specific mitigation resources for the Department of Fish, Wildlife, and Parks federal match dollars did arise. Such an effort would contribute to environmental mitigation. More details are needed before pursuing such an effort but MDT and the Montana Department of Fish, Wildlife, and Parks will work together to find out more about the potential for this collaboration.

Representatives of the Montana Economic Developers Association (MEDA) and the Montana Department of Commerce (MDOC) were also asked about environmental mitigation measures during the MEDA/MDOC/MDT working group sessions held annually by MDT (May 18, 2007). It was found that local government knowledge and concerns about environmental mitigations differed from agencies at the state and federal level. Local economic development and land use agencies were interested in using MDT as a resource for more information about the transportation planning process and requirement for new development. MDT will work with these groups to provide

resources and support through a tool kit (profile of transportation issues and statistics by specific region), working sessions, or workshops. In an effort to use existing relationships to obtain local knowledge, MDT has also asked that local agencies participate and help MDT identify potential research, corridor planning, or other foreseeable areas of transportation system need or potential joint involvement.

■ Draft *TRANPLAN 21* Policy Amendments

Existing MDT actions and components of *TranPlan 21* are already in compliance with SAFETEA-LU requirements. MDT actions which most strongly support this environmental mitigation planning factor, such as the corridor planning process, HEAT, and SIAP were captured in the *TranPlan 21.* It was determined through discussion with resource agencies that the corridor-level, rather than the policy or project level, is most appropriate for environmental mitigation discussions and analysis. The corridor planning process currently in place provides a way for resource agencies to assist in the scoping process for projects to advance from corridor studies to the NEPA/MEPA process. To this end, the following action item should be added to the Roadway System Performance Element:

Roadway System Performance

- **Action B.7** – Continue to use the corridor planning process to consult with resource agencies in identification of environmental sensitivities, avoidance areas, or potential mitigation measures.